

REMARKS

Applicants submit this Response in reply to the final Office Action mailed May 21, 2007. Claims 1-18 are pending in the application. Claims 1, 9, 17 and 18 are currently amended. For the reasons set forth below, Applicants believe that the rejections should be withdrawn and that Claims 1-18 are in condition for allowance.

REJECTION OF CLAIMS 1-18 UNDER 35 U.S.C. § 103(a)

The Examiner rejected Claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0013009 to Greening *et al.* (“Greening”) in view of U.S. Patent No. 6,112,186 to Bergh *et al.* (“Bergh”).

The claimed invention produces a recommended item list from (1) the client identifier associated client preference estimating factor information and (2) the client preference estimating factor information. The client preference estimating factor information indicates a preference of a client without identifying the client and is received from the item presentation server along with a recommended item presentation request (which also does not identify the client). The client identifier associated client preference estimating factor information is obtained separately from a third party organization. The Examiner alleged that the claims, prior to the foregoing amendment, did not expressly state “that different parties are involved or how different parties interact” and that the “claims do not state that the anonymous information and identifying information come from different sources” or are “for the same client.” The amendments to Claims 1, 9, 17 and 18 are to further clarify these aspects of the claimed invention.

The client preference estimating factor information indicates the preference of that client, but does not contain any information for identifying that client, such as a client identifier. However, when the client preference estimating factor information is used in conjunction with the client identifier associated client preference estimating factor information, it is possible to estimate other clients with similar preferences, so that it is

possible to produce the recommended item list suitable for that client. The claimed invention does not require the item provider server to send any information for identifying a client when requesting a recommended item presentation, but produces a recommended item list suitable for the client because it separately obtains (1) the client identifier associated client preference estimating factor information and (2) the client preference estimating factor information.

Since the item provider server is only required to send the client preference estimating factor information for that client, there is no need for the item provider server to send the client identifier associated client preference estimating factor information, which is information that the item provider server is typically reluctant to disclose. Furthermore, the client identifier used by the item provider server does not have to be unique or common to all servers since it is not required to be disclosed by the claimed invention. *See page 9, lines 14-35 and page 4, line 11 – page 5, line 5.*

Greening discloses a system that predicts the interest of a user in specific items, by directly using information which identifies each client and is directly obtained from each client, similar to (1) described above. Greening does not describe or suggest “receiving a recommended item presentation request and a client preference estimating factor information of one client from an item provider server”, since Greening describes obtaining a request from a client. Nor does Greening describe “providing items to a plurality of clients through a network, where the client preference estimating factor information indicates a preference of the one client, without identifying the one client”, since Greening describes information that identifies a specific client.

Although the Examiner admitted that Greening does not disclose “without identifying the one client,” the Examiner alleged that Bergh discloses not identifying the client. The cited sections of Bergh disclose the use of flags to enable or disable the transmission of data from a central server. For example, Bergh describes using a “0” to indicate that data should not be transmitted and a “1” to indicate that data should be transmitted. The Examiner

alleged that Bergh describes that a user may allow the transmission of preference data, but not demographic data and concluded that “Bergh discloses that user preferences can be utilized for recommendations even if user demographic or identifying information is not known.” The cited sections of Bergh do not disclose how preference data alone can produce a recommended item list using information from multiple users. Bergh recognizes that if a user desires a high degree of privacy, then the nodes are unable to make recommendations to the user because the nodes do not have access to the user’s preference data stored on the central server. Column 32, lines 2-8.

Thus, even if Greening and Bergh are combined, the combination only provides a system that allows a user to decide whether to receive a recommendation. If the user allows its information to be transmitted, then the combined system can predict the interest of a user in specific items, by directly using information which identifies each client and is directly obtained from each client or that does not, as described by Greening. If the user does not allow its information to be transmitted, then it does not receive a recommendation, as described by Bergh. The combination does not describe or suggest receiving (1) the client identifier associated client preference estimating factor information from a third party organization and (2) the client preference estimating factor information (which does not identify the client) from the item presentation server. along with a recommended item presentation request (which also does not identify the client) and using (1) and (2) to produce a recommended item list, as recited by independent Claims 1, 9, 17 and 18..

The dependent claims further define the invention and are patentable for at least the same reasons as the independent claims. In particular, Claims 6-8 recite additional details regarding producing the recommended item list using both (1) the client identifier associated client preference estimating factor information from a third party organization and (2) the client preference estimating factor information from the item presentation server. The Examiner rejected Claims 6-8 by making further reference to Greening. Since the Examiner

Serial No. 10/053,788
Attorney Docket No. 44471/269115
Response to Office Action of May 21, 2007
Page 13 of 13

admitted that Greening does not disclose (2), Greening cannot be properly relied upon to reject claims that further define using both (1) and (2) to produce a recommended item list.

CONCLUSION

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicants solicit a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799. The Commissioner is authorized to charge any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,



By: Brenda O. Holmes
Reg. No. 40,339

KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
Telephone: (404) 815-6500
Facsimile: (404) 815-6555
Docket No.: 44471/269115
Date: August 20, 2007